



9200 / 3838-19
D-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jason K. Trotter et al.

Serial No.: 10/066,220

Filed: November 7, 2001

For: MODULAR LINKAGE SYSTEM

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Group Art Unit: 3679

Examiner: Cottingham, J. R.

Atty. Docket: ITWO:0016/YOD
13086

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION OR MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with the U.S. Postal Service as First Class Mail in an envelope with sufficient postage addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
March 25, 2004 Date	 Sandy Sebrén

Dear Sir:

**PETITION TO REVIVE UNDER 37 C.F.R. § 1.181
IN RESPONSE TO NOTICE OF ABANDONMENT**

This Petition is being filed in response to the Notice of Abandonment mailed on March 12, 2004 (Exhibit 1). The Notice states that the above-referenced application has been abandoned for failure to respond to the Office letter mailed on July 24, 2003. In view of the remarks set forth below, Applicants respectfully request withdrawal of the Notice of Abandonment and reinstatement of the above-referenced application with its original filing date of November 7, 2001.

On July 30, 2003, Applicants filed a timely Response to Election Requirement in response to the Official Action of July 24, 2003 (Exhibit 2), along with a Facsimile Transmission letter (Exhibit 3). The Auto-Reply Facsimile Transmission attached as Exhibit 4 evidences that these materials were received by the Patent Office on July 30, 2003.

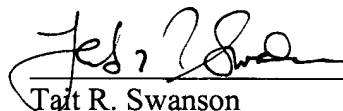
In view of these facts, a complete response to the Official Action of July 24, 2003, was filed in a timely manner, so the above-referenced application was not abandoned and should not now be

considered abandoned. Accordingly, it is respectfully requested that the attached documents be accepted and entered into the file for the above-referenced application. It is further respectfully requested that the Commissioner withdraw the Notice of Abandonment and reinstate the application with its original filing date.

It is not believed that any fees are required for filing this Petition due to the mistake being on the part of the Patent Office. However, the Commissioner is authorized to charge Deposit Account No. 06-1315; Order No. ITWO:0016 for any fees which may be required.

Respectfully submitted,

Date: March 25, 2004



Tait R. Swanson
Reg. No. 48,226
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
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EXHIBIT 1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,220	11/07/2001	Jason K. Trotter	ITWO:0016	5660

7590

03/12/2004

Tait R. Swanson
Fletcher, Yoder & Van Someren
P.O. Box 692289
Houston, TX 77269-2289

EXAMINER

COTTINGHAM, JOHN R

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Abandonment

Application No.

10/066,220

Examiner

John R. Cottingham

Applicant(s)

TROTTER ET AL.

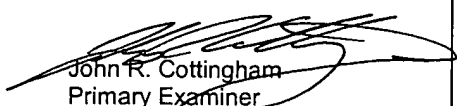
Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 24 July 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


John R. Cottingham
Primary Examiner
Art Unit: 3679


Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

EXHIBIT 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Jason K. Trotter et al.	§	
	§	Group Art Unit: 3679
Serial No.: 10/066,220	§	
	§	Examiner: Cottingham, J. R.
Filed: November 7, 2001	§	
	§	
For: MODULAR LINKAGE SYSTEM	§	Atty. Docket: ITWO:0016/YOD
	§	13086
	§	

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Alexandria, VA 22313-1450

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July 30, 2003 Date	 Carla Deblaw

Dear Sir:

RESPONSE TO ELECTION REQUIREMENT

In response to the Official Action mailed July 24, 2003, please reconsider the above-referenced application in view of the following amendments and remarks:

AMENDMENTS TO THE CLAIMS

Please cancel claims 53-74 without prejudice as noted below:

1. (Original) A mechanical linkage, comprising
an elongated extruded member comprising a structural cross-section and a linkage end,
wherein the structural cross-section is configured to support the linkage end under a
mechanical load.
2. (Original) The mechanical linkage of claim 1, wherein the linkage end comprises
an integral joint member formed by the structural cross-section.
3. (Original) The mechanical linkage of claim 1, wherein the linkage end comprises
an integral socket formed by the structural cross-section.
4. (Original) The mechanical linkage of claim 3, wherein the integral socket
comprises an elastomeric joint.
5. (Original) The mechanical linkage of claim 3, wherein the integral socket
comprises a bushing.
6. (Original) The mechanical linkage of claim 3, wherein the integral socket
comprises a grommet.
7. (Original) The mechanical linkage of claim 3, wherein the integral socket has a
square geometry.

8. (Original) The mechanical linkage of claim 3, wherein the integral socket has a geometry characterized by a plurality of superimposed squares.

9. (Original) The mechanical linkage of claim 3, comprising a desired device having a modular connector disposed in the integral socket.

10. (Original) The mechanical linkage of claim 9, wherein the desired device is a joint member.

11. (Original) The mechanical linkage of claim 10, wherein the joint member comprises a molded ball.

12. (Original) The mechanical linkage of claim 10, wherein the elongated extruded member comprises a metal and the joint member comprises an elastomeric material.

13. (Original) The mechanical linkage of claim 9, wherein the desired device comprises a modular socket device having a desired socket geometry.

14. (Original) The mechanical linkage of claim 13, wherein the desired socket geometry has an enclosed form.

15. (Original) The mechanical linkage of claim 13, wherein the desired socket geometry has an open form.

16. (Original) The mechanical linkage of claim 1, wherein the elongated extruded member is extruded lengthwise.

17. (Original) The mechanical linkage of claim 16, wherein the linkage end is formed by the structural cross-section at both lengthwise ends of the elongated extruded member.

18. (Original) The mechanical linkage of claim 17, wherein the linkage end comprises an integral joint.

19. (Original) The mechanical linkage of claim 17, wherein the linkage end comprises an integral socket.

20. (Original) The mechanical linkage of claim 17, comprising modular devices disposed in the linkage end at both lengthwise ends of the elongated extruded member.

21. (Original) The mechanical linkage of claim 20, wherein the modular devices comprise an elastomeric joint.

22. (Original) The mechanical linkage of claim 20, wherein the modular devices comprise a socket device.

23. (Original) The mechanical linkage of claim 20, wherein the modular devices are positioned in different angular orientations.

24. (Original) The mechanical linkage of claim 1, wherein the elongated extruded member is extruded crosswise.

25. (Original) The mechanical linkage of claim 24, wherein the linkage end is formed by the structural cross-section at both lengthwise ends of the elongated extruded member.

26. (Original) The mechanical linkage of claim 25, wherein the elongated extruded member is twisted about a lengthwise axis to provide a desired angle between the lengthwise ends.

27. (Original) The mechanical linkage of claim 25, wherein the linkage end comprises an integral joint structure.

28. (Original) The mechanical linkage of claim 25, wherein the linkage end comprises an integral socket.

29. (Original) The mechanical linkage of claim 28, comprising modular devices disposed in the integral sockets at both lengthwise ends of the elongated extruded member.

30. (Original) The mechanical linkage of claim 29, wherein at least one of the modular devices comprises an elastomeric joint.

31. (Original) The mechanical linkage of claim 29, wherein at least one of the modular devices comprise a socket device.

32. (Original) A modular linkage system, comprising:
an extruded arm comprising first and second linkage sockets at opposite lengthwise ends of the extruded arm, wherein the first and second linkage sockets have a geometry configured for multi-angular orientations.

33. (Original) The modular linkage system of claim 32, wherein at least one socket of the first and second linkage sockets comprises an integral joint structure.

34. (Original) The modular linkage system of claim 33, wherein the integral joint structure comprises an elastomeric member.

35. (Original) The modular linkage system of claim 32, wherein at least one socket of the first and second linkage sockets extends crosswise through the extruded arm.

36. (Original) The modular linkage system of claim 32, wherein at least one socket of the first and second linkage sockets extends lengthwise through at least a portion of the extruded arm.

37. (Original) The modular linkage system of claim 32, comprising a socket device having a modular connector end disposed in at least one socket of the first and second linkage sockets.

38. (Original) The modular linkage system of claim 32, comprising a joint structure disposed in at least one socket of the first and second linkage sockets.

39. (Original) The modular linkage system of claim 38, wherein the joint structure comprises an elastomeric joint member.

40. (Original) The modular linkage system of claim 32, wherein the extruded arm is extruded lengthwise.

41. (Original) The modular linkage system of claim 40, wherein the extruded arm comprises a square extruded cross-section.

42. (Original) The modular linkage system of claim 40, wherein the extruded arm comprises an extruded cross-section, which is geometrically characterized by a plurality of superimposed squares.

43. (Original) The modular linkage system of claim 40, wherein the first and second linkage sockets comprise an operable socket device.

44. (Original) The modular linkage system of claim 40, comprising a modular device disposed in at least one socket of the first and second linkage sockets.

45. (Original) The modular linkage system of claim 44, wherein the modular device comprises a mechanical joint assembly comprising an elastomeric member.

46. (Original) The modular linkage system of claim 44, wherein the modular device comprises an operable socket device.

47. (Original) The modular linkage system of claim 44, comprising an opposite modular device disposed in a remaining socket of the first and second linkage sockets, wherein the modular device and opposite modular device are positioned in different angular orientations.

48. (Original) The modular linkage system of claim 32, wherein the extruded arm is extruded crosswise.

49. (Original) The modular linkage system of claim 48, wherein the extruded arm comprises a twisted portion to position the first and second linkage sockets at different angular orientations.

50. (Original) The modular linkage system of claim 48, wherein at least one of the first and second linkage sockets comprises an integral socket device having a polygonal receptacle.

51. (Original) The modular linkage system of claim 48, wherein at least one of the first and second linkage sockets comprises a mechanical joint assembly.

52. (Original) The modular linkage system of claim 51, wherein the mechanical joint assembly comprises an elastomeric member.

Claims 53-74 (Cancelled)

REMARKS

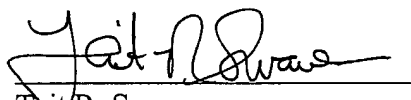
In the Office Action, the Examiner restricted claims 1-74 to one of two groups and to one of ten species corresponding to the figures. Specifically, the Examiner provided the following groups: (Group I) claims 1-52 drawn to a mechanical linkage; and (Group II) claims 53-74 drawn to the method of forming a modular linkage assembly. The Examiner further indicated that claims 1, 32, and 53 are generic to ten distinct species corresponding to Figures 4, 5, 6, 7, 8, 9, 10, 12, 15, and 16.

Although Applicants do not necessarily agree with the Examiner's reasons for restriction, Applicants elects to prosecute claims 1-52 corresponding to Group I. Therefore, Applicants canceled claims 53-74 without prejudice for possible inclusion in a divisional application. In addition, Applicants elect the species corresponding to Figure 8.

If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: July 30, 2003


Tait R. Swanson
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A Professional Corporation

Attorneys at Law

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Houston, Texas 77269-2289Telephone (281) 970-4545
Facsimile (281) 970-4503

Facsimile Transmission

DATE: July 30, 2003	ATTY DOCKET NO.: ITWO:0016 Serial No.: 10/066,220
TO: Examiner: Cottingham, J.R. Group Art Unit: 3679	COMPANY: U.S. Patent and Trademark Office
FROM: Tait R. Swanson	EXTENSION: (281) 970-4545
FACSIMILE NUMBER: (703) 872-9326	NUMBER OF PAGES TO FOLLOW: 9

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NOTES/COMMENTS:

Examiner Cottingham,

Please find attached a Response to Election Requirement mailed on July 24, 2003 for the above-referenced patent application.

If you have any questions, please do not hesitate to call.

Sincerely yours,

Tait R. Swanson
Reg. No. 48,226CONFIDENTIALITY NOTE

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FLETCHER YODER

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Attorneys at Law

7915 FM 1960 West, Suite 330
Houston, Texas 77070

Post Office Box 692289
Houston, Texas 77269-2289

Telephone (281) 970-4545
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TO: Examiner: Cottingham, J.R. Group Art Unit: 3679	COMPANY: U.S. Patent and Trademark Office
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NOTES/COMMENTS:

Examiner Cottingham,

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TO:Auto-reply fax to 281 970 4503 COMPANY:

EXHIBIT 4

Auto-Reply Facsimile Transmission



UNITED STATES
PATENT AND
TRADEMARK OFFICE

TO:

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07/30/03 WED 18:34 FAX 281 970 4503

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001

FLETCHER YODER

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Houston, Texas 77070Post Office Box 692289
Houston, Texas 77269-2289Telephone (281) 970-4545
Facsimile (281) 970-4503

Facsimile Transmission

DATE: July 30, 2003	ATTY DOCKET NO.: ITW0:0016 Serial No.: 10/066,220
TO: Examiner: Cottingham, J.R. Group Art Unit: 3679	COMPANY: U.S. Patent and Trademark Office
FROM: Tait R. Swanson	EXTENSION: (281) 970-4545
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If you have any questions, please do not hesitate to call.

Sincerely yours,

Tait R. Swanson
Reg. No. 48,226

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GAU 3679

S/N 10066220

Date: 03-31-04

To: Group Directors/HSAEs

From: Office of Initial Patent Examination

Subject: Miscellaneous Papers

The attached papers belong in files that are housed at the warehouse. **PLEASE do not send any papers to the warehouse or to our office for processing, but request the files from the warehouse and take the appropriate action.**

Thank You,



OIPE